

Paper No. 9

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OFFICE OF PETITIONS

In re Application of :
Zachary Gibler, Timothy Hogan, :
Patrick Quinn, Charles Darnell and :
Doug Stang : DECISION NOTING JOINDER
Application No. 10/005,099 : OF INVENTOR
Filed: December 5, 2001 : AND
Attorney Docket No. N0023/250365 : PETITION UNDER
Title: SYSTEMS AND METHODS FOR : 37 CFR 1.47(a) MOOT
PROVIDING LIGHTING SOLUTIONS OVER :
A COMPUTER NETWORK :

This is a decision on the "Request for Reconsideration of Petition under 37 CFR 1.47(a) and Petition for One-Month Extension of Time to Respond," filed January 16, 2003 (certificate of mailing January 9, 2003).

The petition is **DISMISSED AS MOOT.**

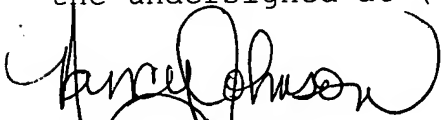
The above-identified application was filed on December 5, 2001, with an unexecuted declaration. Zachary Gibler, Timothy Hogan, Patrick Quinn, Charles Darnell and Doug Stang were named as joint inventors.. In response to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)" mailed January 7, 2002, applicants timely filed the initial petition under § 1.47 to accept a declaration without the signature of inventor Stang. However, this petition was dismissed for failure to submit adequate proof that either inventor Stang had refused to join in the application after having been presented with the application papers, or that inventor Stang could not be reached or found to join in the application; and for clarification of inventor Stang's last known address (Decision mailed October 10, 2002). The decision dismissing the petition set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

On instant request for reconsideration, applicants replied with a declaration executed by previously non-signing inventor Stang. This reply was made timely by an accompanying petition for a one-month extension of time and extension fee. A declaration executed by a previously non-signing inventor is a proper reply to a decision dismissing a petition under § 1.47. This declaration (considered in combination with the declarations previously filed July 8, 2002) has been reviewed and found in compliance with 37 CFR 1.63 and 1.64.

In view of the joinder of the joint inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



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for Patent Examination Policy